

3. Accordingly, this is an action between citizens of different states. Plaintiffs have claimed over \$250,000 in medical expenses from Defendant, therefore the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interest and costs.

4. Accordingly, because Plaintiffs' citizenship is diverse from Defendant's citizenship, and the jurisdictional amount in controversy having been met, this Court has jurisdiction over this matter. *See* 28 USC §§ 1332 and 1441.

5. This Notice of Removal is filed within thirty (30) days of the Defendant learning of the existence of this civil action. Defendant first learned of the existence of this case on November 6, 2014. At the time of this removal, a summons and complaint in the case have not been served on the Defendant.

6. In compliance with 28 USC § 1446(a), Defendant attaches herewith a copy of all process, pleadings, and orders which are known to it as existing in the case, consisting of:

- A. Amended Civil Case Information Statement;
- B. Complaint; and
- C. A Summons for Bob Evans Farms, LLC.

These documents were obtained from the state court's electronic docket system, as no documents have actually been served on the Defendant at this time. No other process, pleadings, or orders in this matter have been received by, or are known to, the Defendant or its attorneys.

7. Pursuant to 28 USC § 1446(d), Defendant is contemporaneously serving a copy of this Notice upon all adverse parties and the Clerk of the Circuit Court of Jackson County, West Virginia, with instructions to proceed no further unless and until this case is remanded.

8. Defendant reserves the right to amend or supplement this Notice of Removal.

9. Defendant requests trial by jury of all issues.

WHEREFORE, notice is hereby given that this action is removed from the Circuit Court of Jackson County, West Virginia to the United States District Court for the Southern District of West Virginia.

BOB EVANS FARMS, LLC

By counsel

A handwritten signature in black ink, appearing to read 'Michael B. Victorson', is written over a horizontal line.

Michael B. Victorson (WVSB# 3868)

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Counsel for Defendant


Bob Evans Farms, LLC

CERTIFICATE OF SERVICE

I, Michael B. Victorson, hereby certify that a true and accurate copy of the Notice of Removal was served this 4th day of December 2014, via regular U.S. Mail, postage prepaid, upon the following:

Guy R. Bucci, Esq.
BUCCI, BAILEY & JAVINS, L.C.
P.O. Box 3712
Charleston, WV 25337

Attorney for Plaintiff

A handwritten signature in black ink, appearing to read 'Michael B. Victorson', written over a horizontal line.

Michael B. Victorson (WVSB# 3868)